

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)

An Allocation of Spectrum for the)
Private Mobile Radio Service)

RM-9267

To: The Commission

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JUN 1 1998
FEDERAL COMMUNICATIONS COMMISSION

Comments on the
Petition for Rule Making
Submitted by the
Land Mobile Communications Council

The Los Angeles Repeater Association

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May 30, 1998

No. of Copies rec'd 0410
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Executive Summary

The Los Angeles Repeater Association (LARA) respectfully requests that the Federal Communications Commission (Commission) dismiss RM-9267, the Petition submitted by the Land Mobile Communications Council (LMCC). The LMCC petition is nothing more than a spectrum grab and warehousing attempt by a collection of coordinators. This spectrum grab appears to be driven by the coordinators economic remuneration desires to continue with business as usual as opposed to the Congressional mandated system of spectrum award via auctions by the Commission.

Included within this spectrum grab is the ridiculous suggestion that the LMCC would share spectrum with the Amateur Radio Service (ARS) in the UHF band (420-430 & 440-450 MHz). This proposed share is impossible since this ARS spectrum is completely full in the major urban areas of the country and the LMCC really desires to continue dispensing analog voice channels. This spectrum proposed share really amounts to the removal of additional spectrum from the ARS with no attempt, suggestion, and/or proposal to provide replacement monies, spectrum, and equipment to the ARS, as has been done in the past for other services with the PCS displacements. LARA asserts that the LMCC wishes to only maximize its economic remuneration and remain in business as a spectrum dispenser at great expense to others and does not represent it's constituents and members needs as advertised.

COMMENTS

1. The Los Angeles Repeater Association (LARA) is an unincorporated Amateur Radio Service (ARS) association of amateur radio operators who formed in 1967 and have continued to this day, to construct, own and operate HF, VHF, UHF, & Microwave remotely controlled auxiliary and repeater stations. These multiple stations are located throughout Southern California. Many members of LARA are also professionally involved in the commercial communications industry in Southern California with collective experience totaling many hundreds of man years.

2. LARA is not surprised to see the Land Mobile Communications Council (LMCC) petition to be a continuation of the same theme used repeatedly for years by a service, in this case the Private Mobile Radio Service (PMRS) to take the path of least resistance to gain more spectrum. This path of least resistance is the famous old trip back to the well for more, and as is always the case, more spectrum from other services. The LMCC continues the theme with the claim that the other services are far less efficient and can stand to make up the required difference. When is this line of reasoning going to come to and end? This theme of Americana seems to continue as a survivor of this country's earliest days that there is always more, just over the hill, more land, more water, more spectrum. We as Americans, in this case the LMCC, just can't seem to make it back to our own spectrum well to draw more from it with technology, participation, and innovation. It is always far, far easier to go to your neighbors for more!

3. Since there is no more virgin land mobile spectrum below 1 GHz, additional spectrum for one service can only come from another service. LARA feels that there has to become limits to this activity. The land rush is over. Services and users must take more advantage of innovation and technology to make more room. There are finite limits to spectrum. LARA suggests that time has long come to establish such limits. The values placed on spectrum, by the service that utilizes it, must be evaluated with a multifaceted equation that takes in all manner of qualifications. Simply placing dollars to be the only figure of merit and/or criterion is inadequate. LARA asks the Commission to dismiss the LMCC Petition and place before the country a request for submission of

input to help it define and build a proper equation for spectrum evaluation that is fair to all services, large and small with and without economic basis.

4. LARA is bothered by the fact that the LMCC appears to be a collection of coordinators that are seeking additional spectrum to be set aside from the auction block so that they may continue to do business as coordinators and garner funds from these transactions. Clearly, the current congressional mandated method of spectrum distribution, auctions, has put these coordinators, for the most part out of business. With the exception of the public safety coordinators, who are in line to receive TV CH. 60-69, the remainder of the LMCC constituents are at the end of their lives as to dispensing additional warehoused spectrum. LARA feels that the non-public safety coordinators, and really their constituents have been in positions and could have participated in past spectrum auctions and secured spectrum that with proper petitioning to the commission, as some large business organizations such as utilities have already done, to operate such CMRS spectrum as PMRS. LARA is both annoyed and disturbed in seeing the ARS drug into this totally economic driven debacle.

5. ARS service should be looked as net worth values with more than just dollars or spectrum holding, it is a public asset, providing value for the public and industry. As a public asset, the ARS provides emergency communications that time-and-time again have been found of extreme value to public and private agencies. Our VHF and UHF & microwave spectrum for the most part is shared with the Department of Defense (DOD) and shares well. In non-war time we are able to share with the DOD systems, we are able to modify our operations to meet DOD needs for testing and system evaluations. In time of need, for national defense, we would step down, as we have always done in the past. While the DOD may be reducing to some degree in this time frame LARA questions the logic of abandoning their spectrum holdings, especially with the current movement by 2nd and 3rd world nations towards more nuclear weapons and testing.

6. The ARS provides both a service and spectrum for practical, hands-on training of this nations future engineers, technicians, and other highly skilled technogly professionals and non professionals to the telecommunications and information systems industries, to name just some. The

ARS provides a pool and resource of trained telecommunications manpower for industry, public agencies and local communities. This county is now suffering from the availability of manpower for technology industries, does the LMCC wish to help further reduce this. Without VHF, UHF, and microwave spectrum the ARS is unable to continue proving for training and development of manpower. Many LARA members that have become technicians, engineers, etc. learned and first put to practice many technical theories on the ARS VHF & UHF bands. LARA would wager the fact that many persons involved with, and associated with, the LMCC also shared in this ability to learn and put communication theories to practice in the ARS in their early years, prior to their careers in the Telecommunications industry. Is the LMCC saying it was ok for our present members to have had this training, but it is no longer needed? To have spectrum in the VHF, UHF, and microwave bands to be able to continue this process?

7. The LMCC petition is a thinly veiled attempt to displace the ARS from 420-430 and 440-450 MHz by offering to share the spectrum with the PMRS as a primary service. LARA is unable to envision any PMRS service, modes, and or emissions that would be compatible with this proposed share. Obviously this is a correct assumption as the LMCC did not supply any examples either, it's petition is mute to this point. LARA has heard and observed comments from the industry, that what the PMRS really needs is just more analog, voice systems, not new technology, data systems and other advanced type systems.

8. LARA asks that the LMCC should put it own house in better order, and participate in the current spectrum disposal methods to provide for their needs before it goes after it neighbors supposed "underutilized and not needed" spectrum. LARA would offer that after the above has been done that there maybe some areas within the following that could be considered:

- a. 225-420 MHz. If the LMCC hypothesis that the DOD is ramping down is correct and the DOD does not require the amount of spectrum it presently holds then possibly some could be found within this area. Most of this spectrum is not shared with other non-government users. The LMCC needs to do its homework first and work with the DOD to find, identify and build the case for this before returning to the Commission for action.

b. Low VHF TV Channels - It is LARAs understanding that in the Urban areas, the major areas of LMCC concern, these channels will become available for other uses in 2004/2005. It would seem the LMCC might make their case to obtain some spectrum from this utilization step down by the broadcast industry.

c. TV channels 60-69 – It is also LARAs understanding that within some years, this spectrum, as mandated by Congress, will become available for both the CMRS and the PMRS.

9. LARA objects to the LMCC having made the ARS a party to an activity that it has not participated in, been a party to, or considered. The short comings of refarming for UHF (450 – 470 MHz) and VHF (150 – 174 MHz), PMRS, CMRS, and auctions are issues that have not involved the ARS. LARA resents that the LMCC chooses to subject the ARS to these problems and issues. The LMCC has chosen to try and make the ARS a victim of an activity that is between the PMRS, CMRS, & auctions. The ARS has not been a party to, nor a participant to refarming, auctions, and the change in radio services to CMRS and PMRS and objects to being brought into the middle of the issue by the LMCC. The parties concerned should solve their differences and move on not involving the ARS. The LMCC is not being responsible!

10. LARA has witnessed the extremely poor handling of the 220-222 MHz spectrum by the industry, both through their pressure on the commission to secure the spectrum and then their abandonment of the spectrum, after it became available. Since this spectrum was removed from the ARS service it serves as a real life example that makes LARA not feel the industry, and the LMCC are seriously taking advantage of what spectrum it currently has. LARA continues to be unimpressed with the current utilization of this spectrum in Southern California!

11. LARA has watched the refarming proceedings and finds it interesting that the same participants (LMCC constituents) that once argued against, and convinced the Commission to reduce the original fast track plan for refarming to the morass that exists today are now petitioning for additional spectrum to meet their needs. It would appear that the LMCC constituents that are now resident on the UHF and VHF bands are not willing to spend the dollars from their pockets to

change out their current systems to new, narrow band technologies that would make room for the "new folks" in the bands. It would seem the commitment, responsibility, and accountability for the LMCC is not there. LARA respectfully asks the Commission to direct the LMCC back to their own spectrum and properly utilize it first, before they go shopping from their neighbors.

12. LARA also questions the LMCC arguments as to not having spectrum available in the UHF (450-470 MHz) spectrum in the Urban areas. The LMCC data may be faulty. While the Commission tries hard to maintain an accurate licensing data base it is not without problems and accuracy issues. LARA members are familiar with cases where the coordinators and the Commissions data bases are different and neither reflects what is actually in service.

13. LARA suggests that the LMCC arguments as to utilization in Los Angeles may indicate such numbers as shown in Appendix B from the Commissions and the coordinators data bases but are not correct. LARA monitoring of the 450-470 MHz spectrum finds channels without activity and channels with little activity, contrary to LMCC claims. LARA is also aware that the LMCC coordinators are now coordinating channels in this spectrum within the LA basin for trunking. While the coordinators and licensees do not directly label this trunking, trunking is what is being implemented. Trunking on 25 KHz channels, not even 12.5 KHz channels. For trunking to work, exclusivity is required, it would seem there is spectrum to be had. LARA is also aware that VHF channels are being coordinated for trunking. These items make the argument that the LMCC has not done it's home work, it is not in touch with what it's members activities are with the very spectrum it claims it can't use. Or, the LMCC chooses to turn a blind eye to these activities in order to garner additional spectrum for coordination profiteering.

14. Again the LMCC has not done it's homework, 420-430 & 440-450 MHz ARS spectrum is full in the Urban areas. The replacement costs to the ARS service to be displaced and relocated in Southern California alone, not addressing the manufactures costs to develop and manufacture new subscriber units will be in excess of \$100,000,000. And this is only one of the major Urban areas in the country where the LMCC seeks relief.

15. The ARS has its own spectrum issue, we are not out trying to draw from other service wells. The Los Angeles basin (Southern California) has been out of channels (spectrum) for 440-450 MHz ARS systems for over a decade or more. The ARS is working with the resource available to it and with what technology that is acceptable to the service to try and solve these issues. Does the LMCC wish the ARS to submit a petition for 450-470 MHz to help with its own spectrum demands. Since the LMCC offers for the ARS to be secondary, certainly the ARS can offer the LMCC to become secondary to the ARS in 450-470 MHz and share spectrum?

16. LARA would also like to make the case that there are alternatives available to PMRS folks, even in the major Urban areas. CMRS systems such as Nextel provide both local and wide area dispatch and interconnect. In the LA basin there is a glut of PCS spectrum and systems seemly trying to all compete for the same cellular radio subscribers, with the same services. Perhaps the LMCC needs to further investigate partnering and possible sharing of CMRS spectrum by PMRS users, especially in the large Urban areas.

17. The LMCC homework for taking of spectrum in the 960-1215 MHz area is flawed and incomplete. The current Federal Aviation Administration (FAA) Rules and Regulations require the utilization of Distance Measuring Equipment (DME) for all aircraft operations above 24,000 feet. DME is also required for certain low altitude enroute and approach functions. While the FAA is moving towards GPS systems for aircraft navigation needs the LMCC should be well aware that the FAA has been recently tasked with reexamining its total move to GPS only navigation. It has become apparent that backup or secondary systems should be kept in place to supplement GPS. Prudence to this backup and supplementation could not be more evident than with the nations witness to what happens with total reliance on single systems, the loss of Galaxy IV. Such back up systems could entirely prove to be the existing terrestrial aircraft navigation system that includes DME. The LMCC should be well aware that it is premature to judge these systems obsolescent at this juncture.

Conclusion

Therefore, for the above reasons, LARA asks the Commission to dismiss the LMCC petition RM-9267 as it is without merit and represents additional hardships, if not the total removal of the ARS 420-430 & 440-450 MHz bands to provide supposed relief to the PMRS. The LMCC has not demonstrated that it has effectively utilized it's own spectrum holdings. The LMCC seems to only be interested in continuing it's own existence as a spectrum dispenser for dollars.

Respectively submitted,

The Los Angeles Repeater Association

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By:



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May 30, 1998